REMARKS

Summary of the Office Action

In the non-final Office Action dated September 11, 2007, Claims 1-16 were pending, Claim 15 was rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter, and Claims 1-16 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,072,065 to Lester, et al. (hereinafter LESTER).

Summary of the Amendment

Claims 1-16 are currently pending, with Claims 3, 7, 9, and 14 being in original form, and with Claims 1, 2, 4-6, 8, 10-13, 15 and 16 being currently amended. The rejection of Claim 15 under 35 U.S.C. § 101 is addressed by amendment thereto. The rejections of Claims 1-16 under 35 U.S.C. § 102(e) are respectfully traversed.

Rejection of Claim 15 under 35 U.S.C. § 101

Claim 15 stands rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Responsive to the rejection, Applicants have amended Claim 15 to include the phrase "stored in a storage medium" as shown in the Listing of Claims provide above. Applicants respectfully submit that Claim 15 as currently amended complies with 35 U.S.C. § 101. Reconsideration of this rejection in light of the amendment is respectfully solicited.

Rejections of Claims 1-16 under 35 U.S.C. § 102(e)

Claims 1-16 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by LESTER. Applicants respectfully traverse.

LESTER is drawn to monitoring the duration of a cancellation request or alternatively the number of times that a cancellation request is made. Responsive to the duration of the cancellation request or number of times the cancellation request is made, a number of print jobs are cancelled. This may include one, more than one, or all pending print jobs, and if the cancellation request is made for a sufficient duration or a sufficient number of times, some number of future print jobs. For example, lines 31 through 38 of

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column 3 of LESTER disclose that: "Job cancellation logic 34 is responsive to cancel input 18 (FIG. 2) to cancel current and future print jobs. More specifically, the job cancellation logic 34 <u>cancels print jobs in accordance with how long the cancel input was selected by the user. Even more specifically, the job cancellation logic cancels all print jobs received prior to and during a cancellation period that increases as a function of how long the cancel input was selected by the user.</u>" As another example, line 66 of column 5 through line 9 of column 10 of LESTER discloses that: "In an alternative embodiment, current and future print jobs are cancelled by specifying <u>a job cancellation count rather than a job cancellation time period. Such count is specified by continuously selecting the cancel key for a variable time:</u> the job cancellation logic is responsive to the cancel input to cancel a number of print jobs that increases as a function of the time the cancel input is selected. The count increases linearly as the cancel input is selected. Alternatively, the count can be made to increase progressively faster as the cancel input is selected for longer and longer periods." In lines 5-15 of column 6, LESTER discloses determining the "job cancellation count" using "job cancellation logic [that] is responsive to the cancel input to increase or increment the number of print jobs to be canceled <u>as a function of how many times the cancel input is selected.</u>" (Emphasis added).

LESTER fails to disclose, *inter alia*, "determining means for variably determining a frequency of checking whether a print cancel command is issued, based on the print conditions acquired by the acquisition means" as defined in Claim 1 and "a determining step for variably determining a frequency of checking whether a print cancel command is issued, based on the print conditions acquired in the acquisition step" as defined in Claims 8, 15, and 16.

As noted above, LESTER discloses a cancel input. However, LESTER does not disclose anything with respect to a frequency of checking the cancel input. LESTER does disclose that the cancel input is monitored. However, LESTER is silent regarding any frequency of the monitoring operation. No particular frequency that the monitoring operation operates at is stated.

There is no disclosure or suggestion in LESTER that monitoring of the cancel input is done or can be done at a variable frequency. The top of column 5, LESTER does disclose "specifying a job cancellation count rather than a job cancellation time period.

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Such count is specified by continuously <u>selecting the cancel key for a variable time</u>: the job cancellation logic is responsive to the cancel input to cancel a number of print jobs that increases as a function of the time the cancel input is selected." However, this merely describes how a <u>user might select a cancel input request for a variable amount of time</u>. It teaches nothing with respect to the frequency of monitoring the cancel input.

At best, LESTER suggests that the monitoring must be performed on a continuous basis. For example, in LESTER it appears to be necessary to monitor the cancel input on a continuous basis so that the duration of time that the user selects the cancel input (cancellation request) can be determined. Continuous monitoring of the cancel input also appears to be required in those embodiments of LESTER that determine the number of times (as opposed to the duration) that a cancel input (cancellation request) is made so that that number can be determined with any hope of accuracy. Thus, LESTER at best appears to teach away from the above-noted claimed features.

LESTER also fails to disclose, *inter alia*, "checking means for checking whether a print cancel command is issued as the data processing means generates or transfers the print data at the frequency determined by the determining means" as defined in Claim 1 and "a checking step for checking whether a print cancel command is issued as the print data is generated or transferred at the frequency determined in the determining step" as defined in Claims 8, 15, and 16.

As noted above, LESTER fails to disclose or suggest any such frequency. LESTER is concerned with <u>cancelling</u> print jobs, not generating or transferring print data. At best, the Background section of LESTER describes a situation wherein it may allegedly be difficult for a user to successively cancel each of a series of print jobs manually, as it is allegedly difficult to time each successive manual cancellation so that a first page of a print job is not printed. This again merely describes actions of a user, and it is silent regarding the transfer of print data at any determined rate.

For at least the various reason provided above, Applicants respectfully submit that Claims1, 8, 15, and 16 are patentable over LESTER. Moreover, the remaining Claims in the application are dependent on either Claim 1 or Claim 8 and add further distinguishing features respectively thereto. Applicants thus submit that the dependent Claims are patentable over LESTER for at least the various reason provided above with respect to

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Claims 1 and 8. Reconsideration of the rejections of Claims 1-16 under 35 U.S.C. § 102(e) is respectfully solicited.

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CONCLUSION

Applicants respectfully submit that all of the claims pending in the application meet the requirements for patentability and respectfully request that the Examiner indicate the allowance of such claims at his earliest convenience.

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

Should the Examiner have any questions, the Examiner may contact Applicants' representative at the telephone number provided below.

Respectfully submitted,

December 11, 2007

Date

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